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DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

☐ Declaration Submitted with Initial Filing OR ☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required)

| | |
|------------------------|------------------|
| Attorney Docket Number | 12636-219 |
| First Named Inventor | Jorge DiMartino |
| COMPLETE IF KNOWN | |
| Application Number | 09/976,468 |
| Filing Date | October 12, 2001 |
| Group Art Unit | 1614 |
| Examiner Name | Not Yet Assigned |

As a below named Inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

COMPOSITION AND METHOD FOR TREATING GRAFT-VERSUS-HOST DISEASE

(Title of the Invention)

the specification of which
☐ is attached hereto
OR

☒ was filed on (MM/DD/YYYY)

10/12/2001

as United States Application Number or PCT International

Application Number 09/976,468 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed | Certified Copy Attached? | |
|-------------------------------------|---------|----------------------------------|--------------------------|--------------------------|--------------------------|
| | | | <input type="checkbox"/> | YES | NO |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/028 attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(h) of any United States provisional application(s) listed below.

| Application Number(s) | Filing Date (MM/DD/YYYY) | |
|-----------------------|--------------------------|--|
| | | <input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/028 attached hereto. |

(Page 1 of 3)

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of the application is not designated in the prior United States or PCT international application in the manner provided by the first paragraph of 31 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number

Parent Filing Date
(MM/DD/YYYY)Parent Patent Number
(if applicable)

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/028 attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: ☒ Customer Number 21971 

OR

☐ Registered practitioner(s) name/registration number listed below

Place Customer
Number Bar
Code Label here

| Name | Registration Number | Name | Registration Number |
|------|---------------------|------|---------------------|
| | | | |

☐ Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to: ☒ Customer Number
or Bar Code Label

021971OR ☒ Correspondence address below

| | | | | | | | |
|---------|----------------------------------|-----------|--------------|-----|-------|--------------|--|
| Name | Shirley Chen | | | | | | |
| Address | Wilson Sonsini Goodrich & Rosati | | | | | | |
| Address | 650 Page Mill Road | | | | | | |
| City | Palo Alto | State | CA | ZIP | 94304 | | |
| Country | U.S. | Telephone | 650-493-9300 | | Fax | 650-493-6811 | |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:


☐ A petition has been filed for this unsigned inventor

Given Name (first and middle (if any))

Family Name or Surname

Jorge

DiMartino

| | | | | | | | |
|----------------------|---|-------|----|---------|-------|-------------|----------|
| Inventor's Signature |  | | | | | Date | 12/27/01 |
| Residence: City | San Carlos | State | CA | Country | USA | Citizenship | USA |
| Post Office Address | 144 Arundel Road | | | | | | |
| Post Office Address | | | | | | | |
| City | San Carlos | State | CA | ZIP | 94070 | Country | USA |

☒ Additional inventors are being named on the third supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto:

Please Type a plus sign (+) inside this box →

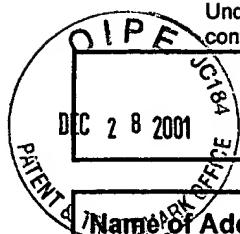


PTO/SB/02A (3-97)

Approved for use through 9/30/98, OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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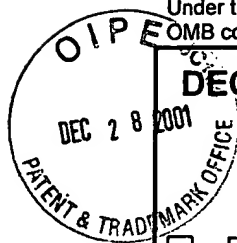


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| DECLARATION | ADDITIONAL INVENTOR(S) Supplemental Sheet Page <u>3</u> of <u>3</u> |
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|---|--|--------------------|--|-------|---|----|--|---------|--|-------|--|
| Name of Additional Joint Inventor, if any: | | | | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | | |
| Given Name (first and middle (if any)) | | | | | Family Name or Surname | | | | | | |
| John Tippet | | | | | Nelson | | | | | | |
| Inventor's Signature | | | | | Date | | | | | | |
| Residence: City | | Danville | | State | | CA | | Country | | USA | |
| Post Office Address | | 111 Gatetree Court | | | | | | | | | |
| Post Office Address | | | | | | | | | | | |
| City | | Danville | | State | | CA | | ZIP | | 94526 | |
| Country | | USA | | | | | | | | | |
| Name of Additional Joint Inventor, if any: | | | | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | | |
| Given Name (first and middle (if any)) | | | | | Family Name or Surname | | | | | | |
| | | | | | | | | | | | |
| Inventor's Signature | | | | | Date | | | | | | |
| City | | | | State | | | | Country | | | |
| Post Office Address | | | | | | | | | | | |
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| Inventor's Signature | | | | | Date | | | | | | |
| City | | | | State | | | | Country | | | |
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| Country | | | | | | | | | | | |

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| Examiner Name | Not Yet Assigned |

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|-------------------------------------|---------|----------------------------------|--------------------------|--------------------------|--------------------------|
| | | | <input type="checkbox"/> | YES | NO |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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(Page 1 of 3)

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Please Type a plus sign (+) inside this box 

PTO/SB/01 (12-97)

Approved for use through 9/30/00.OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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U.S. Parent Application or PCT Parent Number

Parent Filing Date
(MM/DD/YYYY)

Parent Patent Number
(if applicable)

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OR

☐ Registered practitioner(s) name/registration number listed below

Place Customer
Number Bar
Code Label here

| Name | Registration Number | Name | Registration Number |
|------|------------------------|------|------------------------|
| | | | |

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Direct all correspondence to: ☒ Customer Number
or Bar Code Label

021971

OR ☒ Correspondence address below

| | | | | | | |
|---------|----------------------------------|-----------|--------------|-----|-------|--------------|
| Name | Shirley Chen | | | | | |
| Address | Wilson Sonsini Goodrich & Rosati | | | | | |
| Address | 650 Page Mill Road | | | | | |
| City | Palo Alto | State | CA | ZIP | 94304 | |
| Country | U.S. | Telephone | 650-493-9300 | | Fax | 650-493-6811 |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:

☐ A petition has been filed for this unsigned inventor

| | | | | | | | |
|--|------------------|------------------------|----|---------|-------|-------------|-----|
| Given Name (first and middle (if any)) | | Family Name or Surname | | | | | |
| Jorge | | DiMartino | | | | | |
| Inventor's Signature | | | | | | Date | |
| Residence: City | San Carlos | State | CA | Country | USA | Citizenship | USA |
| Post Office Address | 144 Arundel Road | | | | | | |
| Post Office Address | | | | | | | |
| City | San Carlos | State | CA | ZIP | 94070 | Country | USA |

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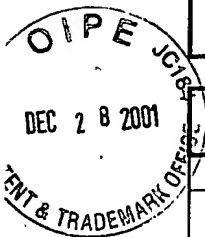


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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

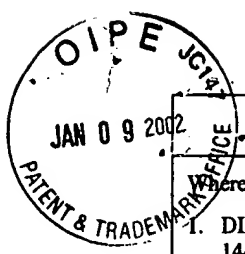
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| DECLARATION | ADDITIONAL INVENTOR(S) Supplemental Sheet Page <u>3</u> of <u>3</u> |
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|--|--|---------------------------|--|---|--|----------|--|
| Name of Additional Joint Inventor, if any: | | | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | |
| Given Name (first and middle (if any)) | | | | Family Name or Surname | | | |
| John Tippet | | | | Nelson | | | |
| Inventor's Signature | | <i>John Tippet Nelson</i> | | | | Date | |
| | | | | | | 11-29-01 | |
| Residence: City | | Danville | | State | | CA | |
| | | | | Country | | USA | |
| Post Office Address | | 111 Gatetree Court | | | | | |
| Post Office Address | | | | | | | |
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| City | | | | State | | | |
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| Post Office Address | | | | | | | |
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| | | | | | | | |
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| Post Office Address | | | | | | | |
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ASSIGNMENT OF APPLICATION

Docket Number 12636-219

Whereas, the undersigned:

1. DIMARTINO, Jorge
144 Arundel Road
San Carlos, CA 94070
2. NELSON, John Tippet
111 Gatetree Court
Danville, CA 94526

hereinafter termed "Inventors", have invented certain new and useful improvements in

COMPOSITION AND METHOD FOR TREATING GRAFT-VERSUS-HOST DISEASE

- ☒ for which an application for United States Patent was filed on October 12, 2001, Application No. 09/976,468
☐ for which an application for a United States Patent was executed on _____, and

WHEREAS, SuperGen, Inc., having a place of business at 4140 Dublin Blvd., Suite 200, Dublin, CA 94568, (hereinafter termed "Assignee"), is desirous of acquiring the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventor's certificates and other forms of protection (hereinafter termed "patents") thereon granted in the United States and foreign countries.

NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Inventors to have been received in full from said Assignee:

1. Said Inventors do hereby sell, assign, transfer and convey unto said Assignee the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply for foreign patents on said invention pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to any and all applications filed and any and all patents granted on said invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a divisional, substitution, continuation, or continuation-in-part of any of said applications; and (d) in and to each and every reissue or extensions of any of said patents.

2. Said Inventors hereby jointly and severally covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right, title and interest herein conveyed in the United States and foreign countries. Such cooperation by said Inventors shall include prompt production of pertinent facts and documents, giving of testimony, execution of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for prosecuting any of said applications; (c) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (d) for filing and prosecuting applications for reissuance of any said patents; (e) for interference or other priority proceedings involving said invention; and (f) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation reissues and reexaminations, opposition proceedings, cancellation proceedings, priority contests, public use proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventors in providing such cooperation shall be paid for by said Assignee.

3. The terms and covenants of this assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventors, their respective heirs, legal representatives and assigns.

4. Said Inventors hereby jointly and severally warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, said Inventors have executed and delivered this instrument to said Assignee as of the dates written below:

Date: 12/27/01


Jorge DiMartino

Date: _____

John Tippet Nelson

RECEIVED
JAN 17 2002
TECH CENTER 1600/2900